

S. R. No. 416—By Senator Herring: Extending welcome to students and sponsors of Sacred Heart School of Rockne from Bastrop County.

S. R. No. 417—By Senator Creighton: Extending welcome to students, teachers and sponsors of Aledo High School.

### Adjournment

On motion of Senator Aikin the Senate at 11:54 o'clock a.m. adjourned until 10:00 o'clock a.m. tomorrow.

### Record of Vote

Senator Krueger asked to be recorded as voting "Nay" on the motion to adjourn.

### SIXTIETH DAY

(Thursday, May 4, 1961)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

Absent—Excused

Colson	Roberts
Hudson	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Holy Father, like the prodigal who came home to his father, we would come before Thee, confessing we 'have sinned against heaven and in Thy sight.' Look upon us in the tenderest of mercy; forgive our sins; and make us satisfied to be one of Thy hired servants. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

### Leaves of Absence

Senator Colson was granted leave of absence for today on account of illness in the family on motion of Senator Moffett.

Senator Hudson was granted leave of absence for today on account of important business on motion of Senator Martin.

Senator Roberts was granted leave of absence for today on account of important business on motion of Senator Aikin.

### Reports of Standing Committees

Senator Lane submitted the following reports:

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 129, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

LANE, Chairman.

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 343, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 245, have had the same under consideration and we are instructed to report it back to the Senate with

the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 856, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 2, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 404, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 43, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 214, have had the same under

consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

LANE, Chairman.

C. S. H. B. No 214 was read the first time.

Senator Reagan submitted the following reports:

Austin, Texas,  
May 3, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 373, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

REAGAN, Chairman.

C. S. S. B. No. 373 was read the first time.

Austin, Texas,  
May 3, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred H. B. No. 468, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REAGAN, Chairman.

Senator Hardeman submitted the following reports:

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 35, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Juris-

prudence, to which was referred H. C. R. No. 67, have had the same under consideration, and we are instructed to report it back to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 79, have had the same under consideration, and we are instructed to report it back to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 66, have had the same under consideration, and we are instructed to report it back to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 32, have had the same under consideration, and we are instructed to report it back to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 138, have had the same under consideration, and we are instructed to report it back to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 163, have had the same under consideration, and we are instructed to report it back to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 288, have had the same under consideration, and we are instructed to report it back to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Senator Krueger submitted the following report:

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 938, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

KRUEGER, Chairman.

Senator Aikin submitted the following report:

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 461, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Schwartz submitted the following report:

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Military and Veteran's Affairs, to whom was referred H. B. No. 838, have had

the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SCHWARTZ, Vice Chairman.

#### House Bill 1069 on Second Reading

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1069, A bill to be entitled "An Act to validate the establishment, organization and/or creation of all school districts, validating the acts of county boards of school trustees, county judges, Commissioners Courts, boards of trustees of such school districts; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

#### Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the passage of H. B. No. 1069 to third reading.

#### House Bill 1069 on Third Reading

Senator Weinert moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 1069 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—26

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hazlewood	Rogers
Herring	Schwartz
Kazen	Smith
Krueger	Weinert
Lane	Willis

#### Nays—1

Hardeman

#### Absent

Secrest

#### Absent—Excused

Colson  
Hudson

Roberts

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—25

Baker	Moore
Calhoun	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Martin	

#### Nays—3

Aikin  
Hardeman

Moffett

#### Absent—Excused

Colson  
Hudson

Roberts

#### House Bill 938 Ordered Not Printed

On motion of Senator Dies and by unanimous consent H. B. No. 938 was ordered not printed.

#### House Bill 461 Ordered Not Printed

On motion of Senator Calhoun and by unanimous consent H. B. No. 461 was ordered not printed.

#### Message from the House

Hall of the House of Representatives

Austin, Texas,  
May 3, 1961,

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to House Bill No. 370 by vote of 137 ayes, 0 noes.

The House has concurred in Senate amendments to House Bill No. 417 by non-record vote.

S. B. No. 381, Amending Section 1 of Chapter 308, Acts of the 54th Legislature so as to change the name of the authority created; amending Section 2 of said Chapter so as to include the cities of Haltom City, and Hurst, in the Northeast Tarrant County Water Authority; amending Section 6 of said Chapter as amended so as to provide that dams and reservoirs shall be limited to the Denton Creek Watershed; amending Section 6 of said Chapter as amended so as to provide that dams and reservoirs shall be limited to the Denton Creek Watershed; amending Section 8 of said Chapter 308, Acts of the 54th Legislature to provide that certain notices may be published in a newspaper published in the Authority; providing a severability clause; and declaring an emergency.

(With amendments.)

H. J. R. No. 55, Proposing an Amendment to Sections 4 and 5 of Article V of the Constitution of the State of Texas to provide for a Court of Criminal Appeals of five members; prescribing their qualifications, election, tenure of office and compensation; and prescribing the term of court of said Court.

S. B. No. 342, amending Section 7 of Chapter 35, Acts of the 53rd Legislature, First Called Session, 1954, relating to the powers of the Green Belt Municipal and Industrial Water Authority with respect to condemnation of land and easements, providing a severability clause; and declaring an emergency.

S. B. No. 243, Amending Section 17 of Chapter 152, Acts of the 55th Legislature, Regular Session, 1957, as amended, to extend the existing authority of the Game and Fish Commission to regulate wildlife in Bexar County; and declaring an emergency.

S. B. No. 280, Relating to the selection of members of the Board of Directors of Donley County Water Control and Improvement District No. 1, their qualifications and their terms of office; providing for this transfer by the District to the City of Memphis of District's properties after District becomes debt free; and declaring an emergency.

S. B. No. 297, A bill to be entitled "An Act amending Chapter 117, House Bill No. 641, Acts 55th Legislature, of Texas, Regular Session, 1957, relating to Harris County Houston Ship Channel Navigation District of Harris County, Texas; validating all acts and governmental proceedings of the Board of Navigation and Canal Commissioners and other officials of said District and all bonds and other obligations of said District heretofore issued and all proceedings heretofore adopted relating to bonds and other obligations of said District; providing a severability clause; and declaring an emergency."

S. B. No. 319, A bill to be entitled "An Act creating a Court of Domestic Relations for Jefferson County, Texas, fixing its jurisdiction; conforming the jurisdiction of other courts thereto; fixing its term; providing the manner of selection, tenure and compensation of the judge and other officers of said court; providing the manner of and grounds for the removal of said court; providing that the judge shall be a member of the Juvenile Board of Jefferson County; providing for appeals to higher courts; providing the procedure of said court; providing for the services of certain county and district officers to said court; containing a savings clause; and declaring an emergency."

(With amendments.)

S. B. No. 340, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of section 59, Article XVI, Constitution of Texas, to be known as 'Glenwood Bayou Municipal Utility District'; prescribing its rights, powers, privileges, and duties; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

(With amendments.)

S. B. No. 407, A bill to be entitled "An Act amending Section 1 of Chapter 36, Acts of the 51st Legislature, 1st Called Session, 1950. (Compiled as Article 978n-1 of Vernon's Texas Penal Code) to bring Cochran County within the regulatory authority of the Game and Fish Commission; and declaring an emergency."

S. B. No. 422, A bill to be entitled "An Act amending Sections 4 and 5 of Chapter 124, Acts of the 54th Legislature, Regular Session, 1955, to provide for a salary increase for the Criminal District Attorney for Galveston County; to authorize appointment of one (1) first assistant and four (4) additional assistants to the Criminal District Attorney of Galveston County; to authorize employment of three (3) secretaries to the Criminal District Attorney of Galveston County; and declaring an emergency."

S. B. No. 110, Amending Article 7.05 of the Texas Business Corporation Act, Chapter 64, Acts, 1955, 54th Legislature, by adding a new subsection (e) to Section A(1) thereof providing that a receiver may be appointed for the assets and business of a corporation when it is established in an action by a shareholder that the shareholders are deadlocked in voting power, and have failed for a period which includes at least two consecutive annual meeting dates, to elect successors to directors whose terms have expired or would have expired upon the election of their successors; and declaring an emergency.

S. B. No. 392, Relating to the appointment, qualifications, duties and compensation of official shorthand reporters for the District Courts of the 72nd, 140th and 99th Judicial Districts of Texas, and for County Court at Law No. 1 and County Court at Law No. 2 of Lubbock County, Texas, fixing maximum and minimum salaries to be paid, in addition to compensation for transcripts, statements of facts and other fees, repealing all laws or parts of laws in conflict; providing a saving clause; and declaring an emergency.

(With amendments.)

S. B. No. 411, Providing that any town which has been duly and legally incorporated and which has heretofore adopted or may hereafter adopt the provisions of Title 28, Revised Civil Statutes of Texas, 1925, as amended, may change its name or designation from town to city, by ordinance passed by the governing body of such town; provided, however, that the change in the designation of such town shall in no wise affect its corporate existence or powers; providing that bonds which have been voted by such town and which bonds are unis-

sued prior to the change of such designation from town to city may be issued in the name of such city as designated in the ordinance changing its designation; providing a severability clause; and declaring an emergency.

Motion to reconsider vote by which House concurred in Senate amendments to H. B. No. 259, prevailed.

The House has concurred in Senate amendments to House Bill No. 259 by vote of 144 ayes, 0 noes.

S. J. R. No. 19, Proposing an amendment to Article IX of the Constitution of the State of Texas to add a new Section to be known as Section 1-A which permits the Legislature to delegate certain zoning powers to the governing body of any county bordering on the Gulf of Mexico or the tidewater limits thereof.

(With amendments.)

S. C. R. No. 40, Resolved by the Senate of Texas, the House of Representatives concurring, that the State Board of Control is hereby granted authority to enter into an appropriate contract or appropriate contracts for the production of one or more motion pictures involving the use of historic San Jacinto State Park property.

S. B. No. 27, To provide a remedy for persons convicted and imprisoned in the penitentiary, who assert that rights guaranteed to them by the Constitution of the United States or the State of Texas, or both, have been denied in the proceedings in which they were convicted, or who assert that their conviction was based, in whole or in part, on false or untrue testimony regarding either the issue of guilt or punishment, regardless of whether or not such false or untrue testimony was unintentionally given; and declaring an emergency.

(With amendments.)

S. B. No. 30, Amending Article 3.34 of Chapter 491, Acts of the 52nd Legislature, Regular Session, 1951, as amended, which is codified as Article 3.34 of the Texas Insurance Code, Vernon's Texas Civil Statutes, by adding certain public utility gas corporate securities as eligible investments for Texas insurance companies; repealing laws in conflict; providing for severability; and declaring an emergency.

S. B. No. 98, Amending Article 2843 of the Revised Civil Statutes of Texas, 1925, as last amended by Chapter 310, Acts of the 56th Legislature, Regular Session, 1959; providing a formula for distribution of textbooks on the subject of agriculture to certain grades; and declaring an emergency.

The House has adopted the Conference Committee Report on Senate Bill No. 368 by a vote of 137 ayes, and 1 no.

H. C. R. No. 95, Welcoming the Junior Class of the United States Air Force Academy, the Falcon Football Team, faculty and staff members, and other friends of the Air Force Academy.

H. B. No. 105, A bill to be entitled "An Act amending Section 5 of Chapter 103, Acts of the 41st Legislature, First Called Session, 1929, codified as Section 5 of Article 8263a of Vernon's Texas Civil Statutes, governing elections of Navigation and Canal Commissioners in certain Navigation Districts; providing severability; and declaring an emergency."

H. B. No. 117, A bill to be entitled "An Act relating to the appointment, qualifications, duties and compensation of official shorthand reporters for the District Courts of the Seventieth and One Hundred Sixty-first Judicial Districts of Ector County, Texas; fixing maximum and minimum salaries to be paid, in addition to compensation for transcripts, statement of fact and other fees; repealing all laws or parts of laws in conflict; providing a saving clause; and declaring an emergency."

H. B. No. 527, A bill to be entitled "An Act providing annual salary of Sixteen Thousand Five Hundred Dollars (\$16,500) for district attorneys of all counties of a population of not less than six hundred thousand (600,000) nor more than seven hundred thousand (700,000) according to the last preceding Federal Census; and declaring an emergency."

H. B. No. 568, A bill to be entitled "An Act amending Section 7, of Chapter 437, Page 1021, Acts of 1947, 50th Legislature, Regular Session, known as Article 8161b, to increase the salaries of Commissioners of Drainage Districts covered by the Act to a sum

not to exceed \$350.00 per month, and declaring an emergency."

H. B. No. 601, A bill to be entitled "An Act authorizing the State Building Commission to locate and purchase land in the City of San Antonio, Texas, on which to construct a State Office Building and an adjoining parking lot; granting authority to said Commission to construct and equip such building; granting authority to said Commission to enter into certain lease agreements; repealing all laws and parts of laws in conflict; providing for severability; and declaring an emergency."

H. B. No. 610, A bill to be entitled "An Act amending Section 15 of Chapter 270, Acts of the 40th Legislature, Regular Session, 1927, as amended, and repealing Section 16 of Chapter 270, Acts of the 40th Legislature, Regular Session, 1927, to provide that certain fees collected by the Railroad Commission be deposited to the General Revenue Fund of the State; abolishing the Motor Transportation Fund; transferring the balance in that fund to the General Revenue Fund; providing an effective date; and declaring an emergency."

H. B. No. 624, A bill to be entitled "An Act abolishing the Radio and Television Administration Fund; transferring the balance in that fund to the General Revenue Fund; and declaring an emergency."

H. B. No. 815, A bill to be entitled "An Act amending Sections 1 and 2 of Chapter 460, Acts of the 51st Legislature, Regular Session, 1949, (codified as Article 941b of the Penal Code of Texas, 1925), relating to the taking of minnows and rough fish; and declaring an emergency."

H. B. No. 979, A bill to be entitled "An Act limiting the provisions of this Act to Trinity County; making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill or possess any game bird or game animal in said County at any time; to take, kill or trap any fur-bearing animal in said County; to take or attempt to take any freshwater fish or other aquatic life in public waters of said County by any means or method; prescribing the legislative policy with respect to the wildlife resources in said County; conferring upon the Game and Fish

Commission authority to regulate by proclamation, order, rule or regulation, the taking of the wildlife resources of said County; requiring the Game and Fish Commission to make investigation with respect to the depletion and waste of the wildlife resources of said County; authorizing the Commission to provide an open season or period of time when it shall be lawful to take a portion of the wildlife resources of said County; defining depletion and waste; providing for the issuance of antlerless deer permits; providing for the adoption of proclamations, orders, rules or regulations of the Game and Fish Commission and the effective period thereof; providing for the publication of the regulation; providing venue for suits to test the validity of this Act or of the proclamations, rules, regulations or orders of the Commission; providing penalties; providing for the forfeiture of licenses; defining wildlife resources; repealing certain laws; prescribing a period of time within which the Game and Fish Commission may conclude its investigations, hold its hearings, and promulgate its proclamations, rules, regulations and orders; providing a savings clause; and declaring an emergency."

H. B. No. 980, A bill to be entitled "An Act relating to the taking, possession and transporting of minnows in certain counties; amending Chapter 121, Acts of the 48th Legislature, 1943, to permit the taking, possessing, and transporting of not more than two thousand (2,000) minnows in any one day in Trinity County; and declaring an emergency."

H. B. No. 981, A bill to be entitled "An Act relating to commercial fishing in certain counties; amending Section 2 of Chapter 297, Acts of the 52nd Legislature, Regular Session, 1951, as amended, by removing Angelina County from the list of counties in which commercial fishing is illegal; and declaring an emergency."

H. B. No. 1019, A bill to be entitled "An Act relating to the appointment, qualifications, duties and compensation of official shorthand reporter for the District Court of the One Hundred Twelfth District of Texas; fixing maximum and minimum salary to be paid; in addition to compensation for transcripts, statement of facts

and other fees; repealing all laws or parts of laws in conflict; providing a saving clause; and declaring an emergency."

H. B. No. 1078, A bill to be entitled "An Act amending Section 1 of Chapter 50, Acts of the 55th Legislature, Regular Session, 1957, as amended, relating to regulatory authority of the Game and Fish Commission in certain counties, so as to include Kerr County; and declaring an emergency."

H. B. No. 1085, A bill to be entitled "An Act relating to the authority of the Commissioners Court of any county having a population of more than 20,385 individuals and less than 20,475 individuals according to the last preceding Federal Census.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Resolution 424

Senator Gonzalez offered the following resolution:

Whereas, Traffic conviction in many courts are never properly reported to the Department of Public Safety; and

Whereas, Many traffic convictions are dismissed or never tried on appeal to the County Courts; and

Whereas, There is a significant variance in the strictness of the several courts having original or appellate jurisdiction of traffic offenses; and

Whereas, The diligence with which traffic laws are enforced varies from city to city and from county to county; and

Whereas, These facts seriously impair the fair and effective application of the present merit rating plan for private passenger automobiles; therefore, be it

Resolved, By the Senate, that the State Board of Insurance suspend the present merit rating plan for private passenger automobiles until such time as it is revised to remove traffic offenses from its provisions or until such time as uniform trial, appeal and reporting of traffic offenses is provided by law.

The resolution was read.

Senator Crump raised the point of order that S. R. No. 424 attempts to change a law by simple resolution.



The President sustained the point of order ruling that a simple resolution which attempts to amend a previously enacted Statute is invalid.

#### Senate Bill 464 on First Reading

Senator Hardeman moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

#### Absent—Excused

Colson	Roberts
Hudson	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senators Hardeman and Aikin:

S. B. No. 464, A bill to be entitled "An Act amending Ch. 188, Sections 1, 2 and 3, Acts, 1945, 49th Leg., R. S., P. 254 (cod. at Art. 2763a, V.A.C.S.), authorizing any Independent School District, heretofore created by special law to select and designate its own school depository or depositories, assessor and collector of taxes, and to have the management of its school affairs subject to certain supervision and appellate jurisdiction; providing that this Act shall not affect, supersede, or change any of the provisions of Article 2763, R.C.S. of Texas, 1925, as amended; and declaring an emergency."

To the Committee on Education.

#### Senate Bill 465 on First Reading

The following local bill was introduced, read first time and referred to the committee indicated:

By Senator Ratliff:

S. B. No. 465, A bill to be entitled "An Act repealing Chapter 192, Acts of the 55th Legislature, 1957, which provides for the appointment of an assistant district attorney for the district attorneys of the 42nd and 104th Judicial Districts; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

#### Senate Concurrent Resolution 54 on Second Reading

On motion of Senator Kazen and by unanimous consent the President laid S. C. R. No. 54 before the Senate on its second reading. (The resolution having been read the second time on Tuesday, May 2, 1961, and a motion by Senator Fuller that S. C. R. No. 54 be referred to the Committee on Transportation pending.)

Question—Shall S. C. R. No. 54 be referred to the Committee on Transportation?

Senator Fuller by unanimous consent withdrew his pending motion.

S. C. R. No. 54 was then adopted.

#### Senate Resolution 425

Senator Gonzalez offered the following resolution:

Whereas, Traffic convictions in many courts are never properly reported to the Department of Public Safety; and

Whereas, Many traffic convictions are dismissed or never tried on appeal to the County Courts; and

Whereas, There is a significant variance in the strictness of the several courts having original or appellate jurisdiction of traffic offenses; and

Whereas, The diligence with which traffic laws are enforced varies from city to city and from county to county; and

Whereas, These facts seriously impair the fair and effective application of the present merit rating plan for private passenger automobiles; therefore, be it

Resolved, By the Senate that the State Board of Insurance consider suspending the present merit rating plan for private passenger automobiles until such time as it is revised to remove traffic offenses from its provisions or until such time as uniform trial, appeal and reporting of traffic offenses is provided by law.

The resolution was read.

Senator Reagan moved that S. R. 425 be referred to the Committee on Insurance, State Affairs or some other appropriate committee.

Senator Gonzalez raised the point of order that a simple resolution should not be referred to committee but all precedents showed that immediate action should be taken on it.

The President overruled the point of order stating that the normal procedure of immediate consideration did not preclude proposing by motion of a different procedure.

Pending further discussion of the motion to refer S. R. No. 425 to committee, Senator Gonzalez raised the point of order that under Senate Rule 44 that immediate consideration of the resolution to adopt or fail to adopt should be taken on it.

The President over-ruled the point of order stating that Rule 44 provides that a simple resolution may be considered immediately but, being permissive only, does not prohibit the sending of a simple resolution to committee. The motion, therefore, was in order.

Question on the motion by Senator Reagan to refer S. R. No. 425 to committee, yeas and nays were demanded.

The motion was lost by the following vote:

#### Yeas—13

Aikin	Krueger
Baker	Moffett
Calhoun	Ratliff
Creighton	Reagan
Crump	Rogers
Fuller	Schwartz
Hardeman	

#### Nays—14

Gonzalez	Owen
Hazlewood	Parkhouse
Herring	Patman
Kazen	Secrest
Lane	Smith
Martin	Weinert
Moore	Willis

#### Absent

Dies

#### Absent—Excused

Colson	Roberts
Hudson	

Senator Lane offered the following amendment to the resolution:

Amend Senate Resolution No. 425 by adding after the word "offenses" in the last paragraph thereof the words "unless such offenses carry an automatic suspension of the license to operate a motor vehicle."

The amendment was adopted.

Question on adoption of the resolution as amended, yeas and nays were demanded.

The resolution was then adopted by the following vote:

#### Yeas—23

Aikin	Moore
Crump	Owen
Dies	Parkhouse
Fuller	Patman
Gonzalez	Ratliff
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Krueger	Smith
Lane	Weinert
Martin	Willis
Moffett	

#### Nays—4

Baker	Creighton
Calhoun	Reagan

#### Absent

Kazen

#### Absent—Excused

Colson	Roberts
Hudson	

#### Reports of Standing Committees

Senator Schwartz by unanimous consent submitted the following report:

Austin, Texas,  
April 19, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Military and Veteran's Affairs, to whom was referred H. C. R. No. 38, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SCHWARTZ, Vice-Chairman.

Senator Crump by unanimous consent submitted the following report:

Austin, Texas,  
May 3, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred H. J. R. No. 70, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CRUMP, Chairman.

Senator Aikin by unanimous consent submitted the following reports:

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 465, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

AIKIN, Chairman.

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 1051, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

AIKIN, Chairman.

#### Message from State Board of Education

The following message received from State Board of Education was read and was referred to the Committee on Nominations:

May 2, 1961.

Honorable Ben Ramsey  
Lieutenant Governor  
State of Texas  
Capitol  
Austin, Texas

Dear Governor Ramsey:

As you know, Article 2922-1, Section 12-1, makes provision for a State Board of Trustees to administer the Teacher Retirement System, one of whom shall be appointed by the State Board of Education, subject to con-

firmation by two-thirds of the Senate, to serve for a term of six (6) years. The term of the present appointee of the Board expires August 31, 1961.

At its meeting in Austin on May 1, 1961, the State Board of Education unanimously nominated Mr. Samuel D. Young, Jr., Vice-President of the El Paso National Bank, El Paso, Texas as a member of the State Board of Trustees of the Teacher Retirement System, beginning September 1, 1961, and ending August 31, 1967.

The State Board of Education is pleased to present the name of Mr. Samuel D. Young, Jr., for the Senate's confirmation.

W. W. JACKSON, Chairman  
State Board of Education  
cc: Honorable Frank Lake  
Secretary of State  
Capitol  
Austin, Texas

#### House Bill 302 on Second Reading

On motion of Senator Krueger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 302, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as 'Brookshire-Katy Drainage District'; prescribing its rights, powers, privileges, and duties; providing a tax limit; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; providing for dividing said District for election of Supervisors; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 302 on Third Reading

Senator Krueger moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 302 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

## Absent—Excused

Colson	Roberts
Hudson	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

## Absent—Excused

Colson	Roberts
Hudson	

## Senate Bill 381 with House Amendments

Senator Willis called S. B. No. 381 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Willis moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

## Absent—Excused

Colson	Roberts
Hudson	

## Report of Standing Committee

Senator Rogers by unanimous consent submitted the following report:

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 464, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

ROGERS, Chairman.

## Senate Bill 319 with House Amendments

Senator Fuller called S. B. No. 319 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Fuller moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Hardeman
Baker	Hazlewood
Calhoun	Herring
Creighton	Kazen
Crump	Krueger
Dies	Lane
Fuller	Martin
Gonzalez	Moffett

Moore	Rogers
Owen	Schwartz
Parkhouse	Secrest
Patman	Smith
Ratliff	Weinert
Reagan	Willis

**Absent—Excused**

Colson	Roberts
Hudson	

**Senate Bill 23 with House Amendments**

Senator Schwartz called S. B. No. 23 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Schwartz moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

**Yeas—26**

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Willis

**Nays—2**

Lane	Weinert
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**Absent—Excused**

Colson	Roberts
Hudson	

**Senate Bill 252 with House Amendments**

Senator Schwartz called S. B. No. 252 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Schwartz moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

**Absent—Excused**

Colson	Roberts
Hudson	

(Senator Martin in the Chair.)

**Senate Bill 340 with House Amendments**

Senator Schwartz called S. B. No. 340 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Schwartz moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

**Absent—Excused**

Colson	Roberts
Hudson	

**Senate Bill 392 with  
House Amendments**

Senator Smith called S. B. No. 392 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Smith moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

**Absent—Excused**

Colson	Roberts
Hudson	

**House Bill 762 on Second Reading**

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading.

H. B. No. 762, A bill to be entitled "An Act relating to the regulatory authority of the Game and Fish Commission in Comal County; amending Chapter 156, Acts of the 56th Legislature, Regular Session, 1959, to extend the duration of the Act to January 1, 1965; and declaring an emergency."

The bill was read the second time and was passed to third reading.

**Record of Vote**

Senator Hardeman asked to be recorded as voting "Nay" on the passage of H. B. No. 762 to third reading.

**House Bill 762 on Third Reading**

Senator Weinert moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 762 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—27**

Aikin	Moffett
Baker	Moore
Calhoun	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Martin	

**Nays—1**

Hardeman

**Absent—Excused**

Colson	Roberts
Hudson	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Record of Vote**

Senator Hardeman asked to be recorded as voting "Nay" on the final passage of H. B. No. 762.

**House Bills and Resolutions  
on First Reading**

The following bills and resolutions received from the House, were read the first time and referred to the committees indicated:

H. J. R. No. 8, To Committee on Constitutional Amendments.

H. J. R. No. 9, To Committee on Constitutional Amendments.

H. J. R. No. 25, To Committee on Constitutional Amendments.

H. J. R. No. 27, To Committee on Constitutional Amendments.

H. J. R. No. 36, To Committee on Constitutional Amendments.	H. C. R. No. 21, To Committee on Jurisprudence.
H. J. R. No. 51, To Committee on Constitutional Amendments.	H. C. R. No. 85, To Committee on Jurisprudence.
H. B. No. 106, To Committee on Jurisprudence.	H. C. R. No. 87, To Committee on Finance.
H. B. No. 596, To Committee on State Affairs.	H. B. No. 1046, To Committee on Counties, Cities and Towns.
H. B. No. 498, To Committee on Jurisprudence.	H. B. No. 1044, To Committee on Insurance.
H. B. No. 524, To Committee on State Affairs.	H. B. No. 897, To Committee on Jurisprudence.
H. B. No. 522, To Committee on State Affairs.	H. B. No. 879, To Committee on Public Health.
H. B. No. 512, To Committee on State Affairs.	H. B. No. 878, To Committee on Public Health.
H. B. No. 511, To Committee on State Affairs.	H. B. No. 873, To Committee on Jurisprudence.
H. B. No. 495, To Committee on Insurance.	H. B. No. 852, To Committee on Counties, Cities and Towns.
H. B. No. 491, To Committee on Insurance.	H. B. No. 860, To Committee on State Affairs.
H. B. No. 489, To Committee on Insurance.	H. B. No. 846, To Committee on Game and Fish.
H. B. No. 482, To Committee on Counties, Cities and Towns.	H. B. No. 764, To Committee on Transportation.
H. B. No. 445, To Committee on Game and Fish.	H. B. No. 755, To Committee on State Affairs.
H. B. No. 442, To Committee on Water and Conservation.	H. B. No. 733, To Committee on Game and Fish.
H. B. No. 348, To Committee on Jurisprudence.	H. B. No. 731, To Committee on Jurisprudence.
H. B. No. 295, To Committee on Jurisprudence.	H. B. No. 729, To Committee on Oil and Gas.
H. B. No. 284, To Committee on Counties, Cities and Towns.	H. B. No. 716, To Committee on Water and Conservation.
H. B. No. 243, To Committee on Jurisprudence.	H. B. No. 654, To Committee on Finance.
H. B. No. 221, To Committee on Jurisprudence.	H. B. No. 638, To Committee on Counties, Cities and Towns.
H. B. No. 124, To Committee on Counties, Cities and Towns.	H. B. No. 616, To Committee on Education.
H. B. No. 112, To Committee on State Affairs.	H. B. No. 613, To Committee on Jurisprudence.
H. B. No. 100, To Committee on Jurisprudence.	Conference Committee Report on Senate Bill 368
H. B. No. 1049, To Committee on State Affairs.	Senator Aikin submitted the following Conference Committee Report on S. B. No. 368:

Austin, Texas,  
May 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Hon. James A. Turman, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 368, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

AIKIN  
HARDEMAN  
DIES  
MARTIN  
ROBERTS

On the part of the Senate.

McCOPPIN  
ADAMS  
BASS  
CHAPMAN  
BURGESS

On the part of the House.

S. B. No. 368:

A BILL  
TO BE ENTITLED

"An Act creating a conservation and reclamation district under Article XVI, Section 59 of the Constitution of Texas, comprising certain territory contained in Bowie County, Texas, to be known as "Bowie County Water Supply District" (hereinafter called district); constituting the same a governmental agency and body politic and corporate; defining the boundaries thereof and declaring that the creation of said district is essential to the accomplishments of the purposes of Section 59 of Article XVI of the Texas Constitution; providing that the purposes of the Act are to provide for construction, acquisition and operation of a water supply and waste disposal system for municipal, domestic and industrial uses; fixing the district's legal domicile; providing for a board of directors, their terms, the filling of vacancies, the selection of successors, fixing their compensation, prescribing the duties and qualifications of such directors, naming the first board of directors and fixing their respective terms; prescribing the rights, powers, privileges and duties of said district; making

applicable to the district Title 52, Revised Civil Statutes, or the statutes governing districts organized under General Law pursuant to Section 59 of Article XVI of the Texas Constitution, relating to eminent domain; providing for surveys by district, exempting such surveyors from trespass and fixing penalty for anyone knowingly interfering with such surveys; providing for inter-basin transfers of waters between Barkman Creek and Red River in Bowie County, Texas; providing for water and waste disposal contracts with district, priorities to water and waste disposal service and method of contracting, recording of such contracts and effect of such recording as notice thereof and of rights created thereby; providing for discontinuance of water and waste disposal service and the order thereof in event of water shortage or inadequacy of facilities; providing means district may employ in securing permits to appropriate waters of Barkman Creek and Red River in Bowie County, Texas; exempting district from execution of cost or supersedeas bonds; prescribing the purposes for which indebtedness may be created and bonds of district may be issued, the method of securing the payment thereof, and the procedure and terms for the issuance and sale of such bonds; providing for the refunding of the district's indebtedness and bonds; providing for submission of bond issues to the Attorney General for approval and registration thereof by the Comptroller of Public Accounts; providing for the incontestability of bonds so approved and registered; exempting the district's bonds and property from taxation; providing for procedures for protection of bondholders if bonds become in default or default thereof is threatened; providing that bonds of district shall be authorized investments in certain instances and eligible to secure deposit of certain funds; prohibiting the district from levying or collecting taxes or assessments or creating any debt payable out of taxes or assessments; providing that the district shall have power to fix rates and charges for water and waste disposal service furnished; enacting provisions incident and relating to the subject; providing for liberal construction of the Act; providing a severability clause; and declaring an emergency."



**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

Section 1. (a) Pursuant to authority conferred by Section 59 of Article 16 of the Constitution, there is hereby created within the State of Texas, in addition to the Districts into which the state has heretofore been divided, a conservation and reclamation district to be located wholly within Bowie County, Texas, and known as the "BOWIE COUNTY WATER SUPPLY DISTRICT," hereinafter called "District." The boundaries thereof shall be as follows:

All that part of Bowie County, Texas, described by metes and bounds as follows, to-wit:

**BEGINNING** at the S. E. Corner of the Collin McKinney Headright Survey, Bowie County, Texas;

**THENCE** West, following the South line of said survey 1450 feet;

**THENCE** North, on a line parallel to and 1450 West of the East line of the Collin McKinney HRS a distance of 3658 feet;

**THENCE** West 3507.6 feet, more or less, to the East line of the Mary Morris HRS;

**THENCE** South 2712.0 feet, along the East line of the Mary Morris HRS to the Southeast corner of said Mary Morris HRS;

**THENCE** West, 4777.8 feet, more or less, along the South line of the Mary Morris HRS to the Southwest corner of said Mary Morris HRS;

**THENCE** North, 3485 feet, along the West line of the Mary Morris HRS to a point; on the East line of the John Barkman HRS and being a point on the West line of Mary Morris HRS;

**THENCE** West, 3627.7 feet, inside the John Barkman HRS;

**THENCE** South, 2108.2 feet;

**THENCE** West, 3291.7 feet;

**THENCE** North, 3144.4 feet;

**THENCE** West, 2950.6 feet;

**THENCE** North, 2120.8 feet;

**THENCE** East, 9870.0 feet;

**THENCE** North, 2613.6 feet, more or less, to the S. W. Corner of the Wm. C. McKinney HRS;

**THENCE** East 4777.8 feet, more or less, to the S. E. Corner of the Wm. C. McKinney HRS;

**THENCE** North, 793 feet, more or less, along the East line of the Wm. C. McKinney HRS to a point; being also a point on the West line of the Collin McKinney HRS;

**THENCE** East, in the Collin McKinney HRS 2627 feet, more or less, to a point in a public road;

**THENCE** North 9 degrees 02 minutes West, 1079 feet, following the center line of the public road, to an angle point;

**THENCE** North, following the center line of the public road, 4450 feet to a point;

**THENCE** East, 2500 feet, more or less, to a point on the East line of the Collin McKinney HRS;

**THENCE** South, 4110 feet along the East line of the Collin McKinney HRS to a point; being also a point on the West line of the Ashley McKinney HRS;

**THENCE** East 4550 feet, more or less, crossing the Ashley McKinney HRS to the East line thereof; being a point in a public road;

**THENCE** South, along the public road, following the East line of the Ashley McKinney HRS, 8733 feet, to a point that bears 4764.7 feet north of the southeast corner of said Ashley McKinney HRS;

**THENCE** West, 4550 feet, more or less, crossing the Ashley McKinney HRS to the West line thereof, being also a point on the East line of the Collin McKinney HRS;

**THENCE** South 3667 feet, more or less, following the East line of the Collin McKinney HRS to the Southeast corner thereof, being the point of Beginning.

(b) Such district shall be and is hereby declared to be a governmental agency and a body politic and corporate with the power of governing and with the authority to exercise the rights, privileges and functions hereinafter specified. The creation of such district is hereby determined to be essential to the accomplishment of the purpose of Section 59 of Article XVI of the Constitution of Texas (to the extent hereinafter authorized) for the control, storing, preservation and distribution of the waters of Barkman Creek, its tributaries, and the water of streams which may be transferred from other watersheds into the Barkman Creek watershed, for domestic, municipal, industrial, flood control, power, and other useful purposes, including the collection, treatment and disposal of industrial or commercial wastes, whether fluids, solids or composites.

(c) The district shall have no power to levy or collect taxes or assess-

ments, or to issue any bonds or create any indebtedness payable out of taxes or assessments, or in any other way to pledge the credit of the state, and nothing in this Act or any other Act or law shall be construed as authorizing it to do so.

Sec. 2. Board of Directors.

(a) The management and control of all the affairs of such district shall be vested in a board of five (5) directors. Each director shall serve for a term of office as herein provided, and thereafter until his successor shall be appointed and qualified. No person shall be appointed a director unless he resides in Bowie County, Texas. Such directors shall subscribe to the Constitutional Oath of Office, and each shall give bond in the amount of Five Thousand Dollars (\$5,000) for the faithful performance of his duties, the cost of which shall be paid by the district. A majority shall constitute a quorum.

(b) Immediately after the Act becomes effective, the following named persons, all being residents of Bowie County, Texas, shall be directors of said district and shall constitute its Board of Directors: 1. Joe Smith, 2. Weldon Ames, 3. Josh R. Morriss, Sr., 4. Lee Davis, and 5. Willard Simmons. If any of the aforementioned persons shall die, become incapacitated, or otherwise not be qualified to assume his duties under this Act, the remaining directors shall appoint his successors. Succeeding directors shall be appointed as provided for in this Act.

(c) The first two named directors in Section 2(b) above shall serve for a period of one (1) year from the date of their qualification, and the following three named directors shall serve for a full term of two (2) years from the date of their qualification. Upon the expiration of the respective terms of said directors named herein, their successors, and each of them, shall be appointed to serve for a term of two (2) years. All vacancies occurring in the board of directors, except vacancies for an unexpired term, shall be filled by appointment by the State Board of Water Engineers. Any vacancy for an unexpired term shall be filled for such unexpired term by majority vote of the remaining directors.

(d) The board of directors shall elect from its number a president, a vice-president of the district, and such other officers as in the judgment of the board are necessary. The pres-

ident shall be the chief executive officer of the district and the presiding officer of the board. He shall have the same right to vote as any other director. The vice-president shall perform all duties and exercise all power conferred by the Act upon the president when the president is absent or fails or declines to act. The board shall also appoint a secretary and a treasurer, who may or may not be members of the board, and it may combine those offices. The treasurer shall give bond in such amount as may be required by the board of directors. The condition of such bond shall be that he will faithfully account for all money which shall come into his custody as treasurer of the district.

(e) The directors shall receive as fees of office a sum not to exceed Ten Dollars (\$10.00) per day for each day of service necessary to the discharge of their duties, provided such service is authorized by vote of the board of directors. They shall file with the secretary a verified statement showing the actual number of days of service each month on the last day of the month, or as soon thereafter as possible and before a warrant shall be issued therefor.

Sec. 3. The legal domicile of the district shall be Texarkana, Bowie, County, Texas, where it shall maintain its principal office.

Sec. 4. The district may sue and be sued in its corporate name.

Sec. 5. District Powers.

In addition to those herein otherwise mentioned, the district shall be and is hereby authorized to exercise the following powers, rights, privileges and functions and such other powers, rights, privileges and functions as are necessary to carry out the purposes of this Act, to-wit:

(a) Adopt, use and alter a corporate seal;

(b) Make by-laws for the management and regulation of the district affairs;

(c) Appoint officers, attorneys, agents and employees, prescribe their duties and fix their compensation;

(d) Prevent or aid in the prevention of damage to person or property from the waters of Barkman Creek and Red River and their tributaries in Bowie County, Texas;

(e) To prevent or aid in the prevention of soil erosion and floods within the watershed of Barkman Creek;

(f) To control, store and preserve the waters of Barkman Creek and its tributaries, and water transferred to the Barkman Creek watershed from any other stream, for any useful purpose, and to use, distribute and subject to the provisions of Subdivision (n) of this Section sell said water within or without the boundaries of the district upon such terms and conditions as the district may agree upon. The district is also empowered to acquire by any method in this Act authorized, and to construct and operate, or contract for the operation of, retaining and settling ponds, and all facilities and equipment necessary for relieving or minimizing waste and pollution of water before it reaches any public stream;

(g) To, within and without the district, construct, improve, maintain and reconstruct, and to use and operate, and contract for the operation of any and all dams, reservoirs, dykes, pumps, pipelines, electric service poles and lines, and any other facilities deemed by the district to be necessary to the carrying on of the business of the district;

(h) To acquire by purchase, lease, gift, or in any manner (otherwise than by condemnation), and to maintain, use and operate, any and all property of any kind, real, personal or mixed, and easements thereon and thereover, or any interest therein located anywhere within or without the boundaries of the district, necessary to the exercise of the powers, rights, privileges and functions possessed by the district;

(i) To acquire by condemnation in fee simple any and all property of any kind, real, personal or mixed, or any interest therein and any easements thereon, within or without the boundaries of the district necessary to the exercise of the powers, rights, privileges and functions conferred upon it by this Act, in the manner provided by Title 52 of the Revised Civil Statutes of the State of Texas, 1925, as amended, or, at the option of the district, in the manner provided by the Statutes of Texas relative to condemnation by districts organized under General Law pursuant to Section 59 of Article XVI of the Constitution of the State of Texas, as the district may elect; provided that no property located outside Bowie County, Texas, may be acquired by condemnation under the provisions of this Subdivision (i) of this Sec-

tion. The amount of and character of interest in property and easements thus to be acquired shall be determined by the Board;

(j) Subject to the provisions of this Act from time to time sell or otherwise dispose of any property of any kind, real, personal or mixed, or any interest therein or any easement thereon, which shall not be deemed by the district necessary to the carrying on of the business of the district;

(k) To enter upon the lands of another or others for the purpose of making such survey or surveys as the district may determine or deem necessary to carrying on the business of the district, and no person doing such surveying for or at the instance of the district shall be guilty of any manner of trespass. Any person who knowingly interferes with such survey or surveys shall be guilty of a misdemeanor, and upon conviction may be fined in a sum not exceeding the sum of Two Hundred Dollars (\$200), and each act of interference shall constitute a separate offense;

(l) To make inter-basin transfers of raw, treated or waste waters between Barkman Creek and Red River and the watersheds thereof in Bowie County, Texas;

(m) To accept grants from the United States of America, or from any corporation or agency created or designated by the United States of America, and in connection with such grant, to enter into such arrangement with the United States of America, or such corporation or agency as the district may deem advisable; but any rights of the United States under any such arrangements shall be subordinate to the rights of the holders of any bonds issued pursuant to this Act;

(n) To enter into written contracts upon such terms as the district may agree upon with cities, towns, villages, firms, persons and corporations to supply water to and to dispose of waste for them, each respectively, upon a month to month basis, and/or for a fixed period of years, with the option to renew and extend such contract or contracts for an additional like or lesser term; and the district may by such contract or contracts grant to any such user or users of water, priority thereto on the basis that the first in time is the first in right, and that such district shall not thereafter contract to furnish water

to another unless such district has a supply of water not contracted to others and available for use, nor to dispose of waste for another unless its facilities are adequate to handle and dispose of such additional waste. And said district may also by contract provide that if and when such priority or priorities are granted, those to whom such priority or priorities are granted shall have and may enforce such priorities in accordance with the contract, any other law to the contrary notwithstanding; and that when such priorities have been granted, the date as of which they shall be determined will be the date of the first or original contract, even though such contract should thereafter be amended or revised, or renewed under an option to extend such contract for an additional fixed term;

(o) Any contract authorized in Subdivision (n) of this Section shall be in writing, executed and acknowledged as is required of deeds for the conveyance of real estate in Texas; and if such contracts are in writing, executed and acknowledge as in this Subdivision required, they may be recorded in the Deed Records of Bowie County, Texas, and their recording shall be and constitute notice thereof and of the rights thereunder;

(p) In the event of a shortage of water or inadequacy of waste disposal facilities, and without liability for damages on account thereof, the district shall discontinue the furnishing of water and disposal of waste in the inverse order of the dates of such contracts so long as such shortage or inadequacy shall continue;

(q) To make and enter into all other contracts, and to execute instruments necessary to the exercise of the powers, rights, privileges and functions conferred upon said district by this Act.

(r) In the event that the district, in the exercise of the power of eminent domain or power of relocation, or any other power granted hereunder, makes necessary the relocation, raising, rerouting or changing the grade of, or altering the construction of any highway, railroad, electric transmission line, telephone or telegraph properties and facilities, or pipeline, all such necessary relocation, raising, rerouting, changing of grade or alteration of construction shall be accomplished at the sole expense of the district. The term "sole expense"

shall mean the actual cost of such relocation, raising, lowering, rerouting, or change in grade or alteration of construction in providing comparable replacement without enhancement of such facilities, after deducting therefrom the net salvage value derived from the old facility.

Sec. 6. (a) For the purpose of providing a source of water supply, and waste disposal and facilities, for cities and other users for municipal, domestic and industrial purposes, as authorized by this Act, and for the purpose of carrying out any other power or authority conferred by this Act, the district is empowered to issue its negotiable bonds payable solely from and out of revenues of the district, as are pledged by resolution of the board of directors of said district. Pending the issuance of definite bonds, the board may authorize the delivery of negotiable interim bonds or notes, eligible for exchange or substitution by use of the definitive bonds.

(b) Such bonds shall be authorized by resolution of the board of directors and shall be issued in the name of the district, signed by the president or vice-president, attested by the secretary, and have the seal of the district impressed thereon. They shall mature serially or otherwise in not to exceed forty (40) years and may be sold at a price and under terms determined by the board of directors to be the most advantageous reasonably obtainable, provided that the interest cost to the district calculated by use of standard bond interest tables currently in use by insurance companies and investment houses does not exceed six and one-half percent (6½%) per annum, and within the discretion of the board may be made callable prior to maturity, at such times and prices as may be prescribed in the resolution authorizing the bonds, and may be made registrable as to principal or as to both principal and interest.

(c) Bonds may be issued in more than one series, and from time to time as required for carrying out the purposes of this Act.

(d) The bonds shall be secured by a pledge of all or part of the net revenues of the district, or by the net revenues of any one or more contracts theretofore or thereafter made, or other revenues specified by the resolution of the board of directors. Any such pledge may reserve the right, under conditions therein specified, to

issue additional bonds which may be on a parity with or subordinate to the bonds then being issued. The term "net revenues" as used in this Section shall mean the gross revenues of the district after deduction of the amount necessary to pay the cost of maintaining, improving and operating the district and its properties.

(e) It shall be the duty of the board of directors to fix, and from time to time revise, the rates of compensation for water sold and disposal and other services rendered by the district which will be sufficient to pay the expense of operating, maintaining, and improving the facilities of the district, and to pay the bonds as they mature, and the interest as it accrues, and to maintain the reserve and other funds as provided in the resolution of the board authorizing the issuance of such bonds. Provided, however, that any contract for the sale of water or for rendering disposal and other services, or both, may provide the extent and circumstances under which the rates of compensation shall be revised, in which event the first sentence of this Subsection shall not apply to such contract.

(f) From the proceeds from the sale of the bonds, the district may set aside an amount for the payment of interest expected to accrue during construction, and a reserve interest and sinking fund, and such provision may be made in the resolution authorizing the issuance of such bonds. Proceeds from the sale of the bonds may also be used for the acquisition of property, real, personal and mixed, construction of dams, dykes, pumps, pipelines, electric service poles and lines, disposal lines, settling basins and other waste disposal facilities, and for the payment of all other expenses necessarily incurred in accomplishing the purposes for which this district is created, including the expenses of the issuance and sale of such bonds.

(g) In the event of a default or a threatened default in the payment of principal or interest on bonds, any court of competent jurisdiction may, upon a petition of the holders of twenty-five percent (25%) or more of the outstanding bonds of the issue thus in default or threatened with default, appoint a receiver with authority to collect and receive all income of the district, employ and discharge agents and employees of the district,

take charge of funds on hand, and manage the proprietary affairs of the district, without consent or hindrance by the board of directors. Such receiver may also be authorized by the court to sell or make contracts for the sale of water or water disposal service, or renew such contracts with the approval of the court appointing him. The court in such circumstances may vest the receiver with such other powers and duties as the court may find necessary for the protection of the holders of such bonds.

(h) The district is authorized to issue refunding bonds for the purpose of refunding any outstanding bonds authorized by this Act, as well as the interest thereon. Such refunding bonds may be issued to refund more than one series of outstanding bonds and combine the pledges for the outstanding bonds for the security of the refunding bonds, and may be secured by other or additional revenues. The provisions of this Act with reference to the issuance by the district of other bonds and their approval by the Attorney General and the remedies of the holders shall be applicable to refunding bonds. Refunding bonds shall be registered by the Texas Comptroller of Public Accounts upon surrender and cancellation of the bonds to be refunded, but in lieu thereof the resolution authorizing their issuance may provide that they shall be sold and the proceeds thereof deposited in the bank where the original bonds are payable, in which case the refunding bonds may be issued in an amount sufficient to pay the interest on the original bonds to their option date or maturity date, and the Comptroller shall register them without concurrent surrender and cancellation of the original bonds.

(i) After any bonds (including refunding bonds) are authorized by the district, such bonds and the record relating to their issuance, shall be submitted to the Attorney General for his examination as to the validity thereof. Where such bonds recite that they are secured by a pledge of the proceeds of a contract theretofore made between the district and any city or governmental agency, a copy of such contract and the proceedings of the city or governmental agency authorizing such contract shall all be submitted to the Attorney General. If such bonds have been authorized and if such contracts have been made in

accordance with the Constitution and laws of the State of Texas, the Attorney General shall approve the bonds and such contracts, and the bonds then shall be registered by the Comptroller of Public Accounts of the State of Texas. Thereafter the bonds and the contracts, if any, shall be valid and binding and shall be incontestable for any cause.

(j) The board of directors shall designate one or more banks to serve as depository for its funds. All funds of the district shall be deposited in such depository bank or banks except that funds pledged to pay bonds may be deposited with the trustee bank named in the trust agreement. To the extent that funds in the depository banks and the trustee bank are not insured by the Federal Deposit Insurance Corporation, they shall be secured in the manner provided by law for the security of county funds.

(k) All bonds of the district shall be and are hereby declared to be legal and authorized investments for public funds of counties, cities, towns, school districts, improvement districts, banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, administrators, executors, guardians and trustees of estates. Such bonds shall also be eligible to secure the deposit of any and all public funds of the State of Texas, and any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas, and shall be lawful and sufficient security for said deposits to the extent of their value, when accompanied by unmaturing coupons appurtenant thereto.

(1) The accomplishment of the purposes stated in this Act being for the benefit of the people of this state, and for the improvement of their properties and industries, the district, in carrying out the purposes of this Act, will be performing an essential public function under the Constitution of Texas, and said district shall not be required to pay any ad valorem or other tax or assessment on the project or any part thereof, or any properties owned by said district; and the bonds issued hereunder, and their transfer and the income therefrom, including the profits made on the sale thereof, shall at all times be free from taxation within this state.

Sec. 7. The district shall have ex-

clusive power to fix rates and charges, and to determine the terms and conditions of contracts for water and/or disposal of waste. The rates and charges for water and waste disposal shall never be substantially more than sufficient to retire its indebtedness, and to maintain the reserve prescribed in the resolution authorizing such indebtedness, and to pay the costs of improvements, expansions, operation and administration of such district.

Sec. 8. The district is authorized to obtain permits for the appropriation of waters from Barkman Creek and Red River, or their tributaries, either directly from the Texas Board of Water Engineers, or by transfers from holders of such permits.

Sec. 9. The district shall not be required to give a cost or supersedeas bond, or to pay a cost deposit on any appeal from the judgment of any court of this state.

Sec. 10. The legislature hereby declares that the enactment hereof is in fulfillment of a duty conferred upon it by Section 59 of Article XVI of the Constitution of Texas, wherein it is empowered to pass such laws as may be appropriate in the preservation and conservation of the natural resources of the state; that the district herein created is essential to the accomplishment of the purposes of said constitutional provision; and that this Act operates on a subject in which the state at large is interested. All the terms and provisions of this Act are to be liberally construed to effectuate the purposes herein set forth.

Sec. 11. If any part, Section, subsection, paragraph, sentence, clause, phrase, or word contained in this Act shall be held by the courts to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Act, and the Legislature hereby declares that it would have enacted, and does here now enact, such remaining portions despite any such invalidity.

Sec. 12. The fact that additional sources of water and waste facilities are immediately and urgently needed in the district and the area surrounding the district hereby established, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is here-

by suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

**Yeas—28**

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

**Absent—Excused**

Colson	Roberts
Hudson	

**Reports of Standing Committees**

Senator Krueger by unanimous consent submitted the following report:

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 846, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

**KRUEGER, Chairman.**

Senator Aikin by unanimous consent submitted the following reports:

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 111, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

**AIKIN, Chairman.**

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 461, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

**AIKIN, Chairman.**

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 871, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

**AIKIN, Chairman.**

**House Bill 846 Ordered Not Printed**

On motion of Senator Krueger and by unanimous consent H. B. No. 846 was ordered not printed.

**Senate Concurrent Resolution 22  
with House Amendments**

Senator Smith called S. C. R. No. 22 from the President's table for consideration of the House amendments to the resolution.

The Presiding Officer laid the resolution and House amendments before the Senate, and the House amendments were read.

Senator Smith moved that the Senate concur in the House amendments.

The motion prevailed.

**House Concurrent Resolution 95  
on Second Reading**

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 95, Extending welcome to Junior Class of United States Air Force Academy, the Falcon Football Team, faculty and staff members of Air Force Academy.

The resolution was read and was adopted.

**House Bill 893 on Second Reading**

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 893, A bill to be entitled "An Act to authorize the Lamar County Water Control and Improvement District, No. 3, to levy, assess and collect a special assessment based upon actual benefits received by land within the District arising from flood-water retarding structures and dams in the District constructed by the District; providing maximum amount of assessment, and when assessment may not be levied: providing purposes for which moneys derived from such assessments may be used, and their accounting; providing designation of lands benefited and amount of benefits; providing assessment lists; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

**House Bill 893 on Third Reading**

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 893 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

**Absent—Excused**

Colson	Roberts
Hudson	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—28**

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

**Absent—Excused**

Colson	Roberts
Hudson	

**Bills and Resolution Signed**

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills and resolution:

H. B. No. 77, A bill to be entitled "An Act amending Article 49 of the Election Code of Texas, 1951, relating to certificates of exemption; and declaring an emergency."

H. B. No. 93, Amending Section 1 of House Bill No. 513, Chapter 237, Acts of the Fifty-third Legislature, Regular Session, which is codified as Section 1 of Article 725c, Vernon's Texas Penal Code, so as to provide that the indictment shall not require the naming of the specific narcotic drug; and declaring an emergency.

H. B. No. 450, A bill to be entitled "An Act making it unlawful for a period of five (5) years for any person to hunt, take or kill or attempt to kill by any means in Bandera, Bexar, and Kendall Counties any axis deer outside of property enclosed with deer-proof fencing; providing penalties; and declaring an emergency."

H. B. No. 451, A bill to be entitled "An Act creating juvenile boards in Comal, Hays, Caldwell, Austin and Fayette Counties; prescribing the membership and powers of the boards and providing for compensation of members; repealing conflicting laws; providing for severability; and declaring an emergency."



H. B. No. 483, A bill to be entitled "An Act to provide for the abolition of the office of county superintendent in certain counties of the State; providing for any remaining duties required by law shall be performed by the county judge of such county; and declaring an emergency."

H. B. No. 515, Repealing Chapter 480, Acts of the Fifty-first Legislature, Regular Session, 1949, as amended, relating to the practice of naturopathy; abolishing the Naturopathic Reregistration Fund; transferring the balance in that Fund to the General Revenue Fund; and declaring an emergency.

H. B. No. 598, A bill to be entitled "An Act prescribing the lawful period for hunting quail in San Patricio County, Texas; and declaring an emergency."

H. B. No. 595, A bill to be entitled "An Act relating to the hunting, taking, or killing of deer and wild turkey in Throckmorton County; providing penalties; and declaring an emergency."

H. C. R. No. 19, Granting permission to Marie A. Bailey to sue the State of Texas.

#### Session for Consideration of Local and Uncontested Bills Calendar

On motion of Senator Hardeman and by unanimous consent the Senate agreed to hold a session for the consideration of a Local and Uncontested Bills Calendar on Thursday, May 11, 1961, at 9:00 o'clock a.m.

#### Welcome Resolutions

S. R. No. 418, By Senator Weinert: Extending welcome to students and Mrs. Helen McCaughn of Buda Elementary School.

S. R. No. 419, By Senator Ratliff: Extending welcome to students and teachers of Butterfield School of Taylor County.

S. R. No. 420, By Senator Herring: Extending welcome to students and teacher of Wooten Elementary School of Austin.

S. R. No. 421, By Senator Moore: Extending welcome to students and teacher of Franklin High School.

S. R. No. 422, By Senator Weinert:

Extending welcome to students and teachers of Wimberly School of Hays County.

S. R. No. 423, By Senator Parkhouse: Extending welcome to Mark Davis and Mr. Harvey L. Davis of Dallas.

S. R. No. 426, By Senator Crump: Extending welcome to students and teachers of San Saba Junior High School.

S. R. No. 427, By Senators Moffett and Hazlewood: Extending welcome to Mr. John E. Morrison et al. of Amarillo.

S. R. No. 428, By Senator Herring: Extending welcome to students and teacher of Pearce Junior High School of Austin.

#### Adjournment

Senator Hardeman moved that the Senate stand adjourned until 10:30 o'clock a.m. on Monday May 8, 1961.

Senator Baker moved that the Senate stand recessed until 10:00 o'clock a.m. tomorrow.

Question on the motion to adjourn, Yeas and Nays were demanded.

The motion was lost by the following vote:

#### Yeas—10

Calhoun	Martin
Crump	Moore
Dies	Ratliff
Hardeman	Smith
Lane	Weinert

#### Nays—15

Aikin	Owen
Baker	Parkhouse
Creighton	Patman
Hazlewood	Reagan
Herring	Schwartz
Kazen	Secrest
Krueger	Willis
Moffett	

#### Absent

Fuller	Rogers
Gonzalez	

#### Absent—Excused

Colson	Roberts
Hudson	

Question next on the motion to recess until 10:00 o'clock a.m. tomorrow, the motion prevailed.

Accordingly, the Senate at 11:54 o'clock a.m. took recess until 10:00 o'clock a.m. tomorrow.

## SIXTIETH DAY

(Continued)

(Friday, May 5, 1961)

### After Recess

The Senate met at 10:00 o'clock a.m., and was called to order by the President.

### Leaves of Absence

Senator Colson was granted leave of absence for today on account of illness in the family on motion of Senator Moffett.

Senator Willis was granted leave of absence for today on account of illness on motion of Senator Schwartz.

Senator Smith was granted leave of absence for today on account of important business on motion of Senator Dies.

Senator Herring was granted leave of absence for today on account of important business on motion of Senator Krueger.

### Senate Resolution 429

Senator Hardeman by unanimous consent offered the following resolution:

Whereas, Today marks the history-making ascent, and successful return, by an American astronaut into outer space, thus demonstrating the scientific skill and ability of scientists, physicists, mathematicians, medical doctors and other technical personnel, ably assisted and supported by artisans, military and naval personnel and citizens of all classes, with unlimited funds and abounding faith supplied by American taxpayers; and

Whereas, By this record-breaking accomplishment American prestige in space development has been recaptured and is now at an all-time high; and

Whereas, Commander Alan B. Shepard, by soaring one hundred fifteen miles into outer space in a Mercury Red Stone III, and attaining a

speed of 5100 miles per hour, takes his place among those intrepid pioneers of the ages who have furthered the conquest of the unknown and blazed the trail for civilization's progress; and

Whereas, It is the desire of the Senate of Texas to recognize this outstanding feat and to extend its congratulations to Commander Shepard upon his successful, challenging and pioneering adventure, as well as to all of those who contributed directly or indirectly to this memorable event; now, therefore, be it.

Resolved, By the Senate of Texas that its congratulations be and they are hereby extended to Commander Shepard and to all of those contributing to his successful flight into space and return and that a copy of this Resolution under the Seal of the Senate be forwarded to him in recognition of the appreciation of the people of Texas for his accomplishment.

### HARDEMAN

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Baker, Calhoun, Colson, Creighton, Crump, Dies, Fuller, Gonzalez, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Patman, Ratliff, Reagan, Roberts, Rogers, Schwartz, Secrest, Smith, Weinert, Willis.

The resolution was read.

On motion of Senator Krueger and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was adopted by the Senate.

### Reports of Standing Committees

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,  
May 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 463, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.